

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHNATHAN JOHNSON,

Plaintiff,

-v-

9:10-CV-1082

ADAMS, Doctor, Upstate Correctional Facility;
HEATH BAKER, Nurse, Upstate Correctional
Facility; PATRICK JOHNSTON, former P.A.,
Upstate Correctional Facility; DAVID ROCK,
Superintendent, Upstate Correctional Facility;
NANCY SMITH, Administrative Nurse, Upstate
Correctional Facility; GEORGE WATERSON,
Nurse, Upstate Correctional Facility; and
LESTER WRIGHT, Doctor,

Defendants.

APPEARANCES:

OF COUNSEL:

JOHNATHAN JOHNSON, Pro Se
89-A-1042
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

ADELE M. TAYLOR-SCOTT, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff brought this civil rights action pursuant to 42 U.S.C. § 1983. On July 5, 2012, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that plaintiff's in forma pauperis status be revoked and that the remaining portion of defendants' motion for summary judgment be held in abeyance pending plaintiff's payment of the required \$350 filing fee. Plaintiff timely filed objections to the Report-Recommendation.

Based upon a de novo review, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

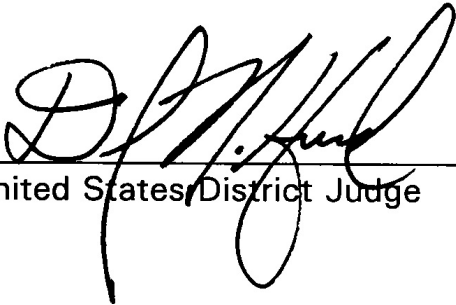
Therefore, it is

ORDERED that

1. Plaintiff's in forma pauperis status is REVOKED;
2. Plaintiff shall pay the required filing fee within thirty (30) days of the date of this Decision and Order;
3. The substantive portion of defendants' motion for summary judgment, Dkt. No. 42, is held in abeyance;
4. Upon plaintiff's payment of the required filing fee, the matter shall be returned to Magistrate Judge David E. Peebles for consideration of the remaining portions of defendants' motion; and

5. In the event plaintiff fails to pay the statutory \$350 filing fee within thirty (30) days, his complaint will be DISMISSED.

IT IS SO ORDERED.


United States District Judge

Dated: July 26, 2012
Utica, New York.